



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NYN008013161

Steve

JAN - 7 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7001 0320 0002 3198 7100

Mr. Thomas Long
American Stock Exchange
86 Trinity Place
New York, NY 10006-1818

Re: **RCRA § 3007 Information Request**
American Stock Exchange

RCB ID# 04-3007-0000-30

Dear Mr. Long:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

On or about October 14, 2003, duly authorized representatives of the EPA conducted a Compliance Evaluation Inspection (CEI) of the loading dock area of the American Stock Exchange, located near the corner of Thames and Greenwich Streets ("facility" or "AMEX") located in New York, New York, pursuant to Section 3007 of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. Part 6927. During the CEI, the EPA representative discussed the facility's generation and handling of excess computers, computer monitors, and electronic equipment.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA hereby requires that you provide the information requested in Enclosure I, using the instructions and definitions included in Enclosure II. This information is necessary to complete the compliance evaluation inspection of the American Stock Exchange.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official, officer, or agent of your facility, using the form in Enclosure III to this letter.

Your response to this letter must be mailed to the following addressee:

Mr. Steven T. Petrucelli
Environmental Engineer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 22nd Floor
New York, New York 10007-1866

Failure to provide the information requested is a violation of RCRA Section 3007 and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to \$ 27,500 per day per violation.

You may assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or enclosing to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by the EPA only to the extent permitted by, and by means of procedures set forth in 40 C.F.R. Part 2. The EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 USC Part 3501 et. seq. If you have any questions about this letter, please call Mr. Steven Petrucelli, of my office, at (212) 637-3129.

Sincerely yours,

Original signed by
George Meyer

George Meyer, P.E., Chief
RCRA Compliance Branch

Enclosures:

Enclosure I – Information Request

Enclosure II – Instructions & Definitions

Enclosure III – Certification of Answers

Enclosure IV – NYSDEC Letter to Dismantlers and Recyclers of Used Electronics

cc: Sal Carlomagno, Supervisor
Hazardous Waste Compliance
New York State Department of Environmental Conservation

bcc: RCRA file
Steven Petrucelli, 2DECA/RCB/HWCS

ENCLOSURE I INFORMATION REQUEST

American Stock Exchange
New York, New York 10006

Based on a review of the information obtained during this RCRA inspection (the "inspection"), we have determined that the following information is required to evaluate the compliance of the American Stock Exchange:

The relevant time period for every question is October 14, 2000 through the date of receipt of this letter, unless otherwise specified.

1. Please provide the following:
 - a. An inventory of the computers and electronics contained in the October 14, 2003 shipment by Filco Carting;
 - b. A detailed explanation of what was done with the shipment of computers and electronics taken by Filco Carting on October 14, including location and length of storage, as well as the ultimate fate of the material (e.g., disposal or recycling method, location, and date);
 - c. A copy of any written company policy regarding disposal or recycling of computers, monitors, and electronics;
 - d. An account of changes in facility management practices sufficient to prevent a recurrence of the uncontrolled disposal of computers and electronics, as occurred on October 14, 2003.
2. Please list all previous and subsequent shipments of used computers, monitors, and electronics from the facility from October 14, 2001 through receipt of this letter. Identify the types and quantities of each, as well as the dates of shipment, fate of the equipment, including all relevant waste haulers, recyclers and recycling methods, disposal facilities and disposal methods, and person responsible for determining what would be done with the equipment. If the person responsible for waste management is a contractor, please identify that person(s), as well as the organization by whom they are employed.
3. Provide copies of written policies regarding disposal or recycling of computers, monitors, and electronics that would have been in effect for each of the shipments cited in question 2, if different from that provided in response to Question 1(c), above.

ENCLOSURE II INSTRUCTIONS AND DEFINITIONS

American Stock Exchange
New York, New York 10006

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the American Stock Exchange ("facility"). The signatory must sign the attached Certification of Answers (Enclosure III) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding number listed in Enclosure I.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is any and all locations at 86 Trinity Place in New York, New York owned or operated by the American Stock Exchange, including the loading dock area at or near the corner of Thames and Greenwich Streets.

11. *A hazardous waste generator* is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.
12. *Hazardous waste* is defined, for the purposes of this Request for Information, as it is defined in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).
13. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
14. *Spent* shall be defined for the purposes of this Request for Information as any material that has been used and is no longer fit for use without processing.
15. *Hazardous Constituents* is defined, for the purposes of this Request for Information, as those substances listed in 40 CFR Part 261 Appendix VIII.
16. The term *Solid Waste Management Unit (SWMU)* is defined, for the purposes of this Request for Information, as any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank, or container storage area that currently or formerly was used to manage a solid waste.

ENCLOSURE III
CERTIFICATION OF ANSWERS

American Stock Exchange
New York, New York 10006

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE

ENCLOSURE IV

NYSDEC Letter to Dismantlers and Recyclers of Used Electronics

American Stock Exchange
New York, New York 10006
